

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
(Kansas City Division)**

**JOINT MOTION TO STAY PROCEEDINGS PENDING ACTION
BY THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Under Federal Rule of Civil Procedure 6(b) and the Court’s inherent authority to control its docket, Plaintiff Tera Williams and Defendant T-Mobile USA, Inc. move the Court to stay all proceedings and deadlines in this matter until the Judicial Panel on Multidistrict Litigation (“JPML”) rules on the pending petition to transfer this case and more than a dozen other related cases for consolidated or coordinated pretrial proceedings. *See In re: T-Mobile 2022 Customer Data Sec. Breach Litig.*, MDL No. 3073 (ECF No. 1).¹ If the JPML denies the Petition, T-Mobile’s response to the operative Amended Complaint (ECF No. 5) will be due 30 days from that denial.

1. Plaintiff filed her first amended complaint on March 10, 2023 and asked T-Mobile to waive service, which T-Mobile agreed to do if Plaintiff agreed to stay this case. Plaintiff alleges T-Mobile failed to adequately safeguard the personal information of its customers from a criminal third-party actor. *See generally* Am. Compl. There are more than a dozen putative class actions that have

¹ Though this case has not yet been noticed to the JPML, T-Mobile intends to do so shortly.

been filed against T-Mobile arising out of the same data-security incident. *See In re: T-Mobile 2022 Customer Data Sec. Breach Litig.*, MDL No. 3073 (ECF Nos. 1, 33). Those cases are pending in nine federal judicial districts. *See id.*

2. Plaintiff in one of those related cases petitioned the JPML to transfer the actions for consolidated or coordinated pretrial proceedings before a single judge, pursuant to 28 U.S.C. § 1407. *See id.* (ECF No. 1). T-Mobile intends to notice this case as a related action. *See id.* (ECF No. 1-1).

3. There is good cause to stay this case. Because it is possible the JPML will grant the pending Petition to transfer and coordinate or consolidate the related cases—including this one—for pretrial proceedings under 28 U.S.C. § 1407, the Parties believe staying this case will conserve their resources and the Court’s.

4. Under these circumstances, “[a] majority of courts have concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to transfer and consolidate is pending with the MDL Panel because of the judicial resources that are conserved.” *Woodworth v. Tyson Foods*, No. 07-5013-CV-S-DW, 2007 U.S. Dist. LEXIS 116293, at *2 (W.D. Mo. May 10, 2007) (quoting *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997)); *see Mawby v. Folger Coffee Co.*, No. 20-00822-CV-W-BP, 2021 U.S. Dist. LEXIS 97233, at *5-6 (W.D. Mo. Feb. 5, 2021) (granting stay pending JPML decision on proposed MDL); *Johnson v. Baker Norton U.S., Inc.*, No. 4:20-CV-00544-DGK, 2020 U.S. Dist. LEXIS 178288, at *3 (W.D. Mo. Sept. 28, 2020) (same); *see also, e.g., Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998) (“Courts frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.”); *Cty. of Genesee v. McKinsey & Co., Inc.*, No. 21-CV-1039 (JS)(SIL), 2021 U.S. Dist. LEXIS 101726, at *6 (E.D.N.Y. May 28, 2021) (granting stay “until the JPML has ruled on

whether consolidation is merited” because it “furthers the court’s interest in conserving judicial resources, one of the fundamental goals of multidistrict litigation practice”); *Mears v. All-Clad Metalcrafters, LLC*, No. 20-CV-02662-SI, 2021 U.S. Dist. LEXIS 33633, at *2 (N.D. Cal. Feb. 23, 2021) (granting stay because it “is in the interest of judicial economy” as “the MDL court can uniformly address pretrial issues”).

5. For these reasons, the Parties request that the Court grant this Joint Motion and stay all proceedings and deadlines in this matter until the JPML rules on the pending Petition for transfer under 28 U.S.C. § 1407. And if the JPML denies the Petition, T-Mobile’s response to the Amended Complaint will be due 30 days from that denial.

Dated: March 17, 2023

By: /s/ Maureen M. Brady

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 17th day of March 2023, the foregoing was electronically filed with the Clerk of the Court by using the Court's electronic filing system, which will send notification to all counsel of record who are registered participants of the Court's electronic filing system.

/s/ Michael W. Seitz _____

Michael W. Seitz
Attorney for Defendant